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**CERTIFICATE OF SERVICE**

I hereby certify that I, Thomas M. Sobol, an attorney, caused a true and correct copy of the foregoing Status Report to be served on all counsel of record electronically on October 3, 2005 pursuant to Section D of Case Management Order No. 2.

/s/ Thomas M. Sobol

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**MDL 1456 STATUS CHART – GOVERNMENT ENTITY CASES**

GOVERNMENT ENTITY CASES	MDL DOCKET NUMBER	ORIGINAL JURISDICTION	STATUS
<b>Montana v. Abbott Labs., Inc. et al.</b>	02-CV-12084-PBS	Removed to D. Mont.	<ul style="list-style-type: none"> <li>November 24, 2004 – <b>Watson Pharmaceuticals, Inc.’s Motion to Dismiss the State of Montana’s Second Amended Complaint <i>sub judice</i></b> <ul style="list-style-type: none"> <li>December 8, 2004 – State of Montana’s Opposition to Motion to Dismiss the State of Montana’s Second Amended Complaint</li> <li>December 16, 2004 – Watson Pharmaceuticals, Inc.’s Reply Memorandum in Support of Motion to Dismiss the State of Montana’s Second Amended Complaint (leave to file granted December 21, 2004)</li> <li>June 16, 2005 – Motion referred to Magistrate Judge Marianne B. Bowler.</li> <li>Motion hearing held on July 14, 2005</li> </ul> </li> </ul>
<b>Nevada v. American Home Products, Inc. et al (“Nevada II”)</b>	02-CV-12086-PBS	Removed to D. Nev.	<ul style="list-style-type: none"> <li>November 24, 2004 – <b>Watson Pharmaceuticals, Inc.’s Motion to Dismiss the State of Nevada’s Amended Complaint <i>sub judice</i></b> <ul style="list-style-type: none"> <li>December 8, 2004 – State of Nevada’s Opposition to Motion to Dismiss the State of Nevada’s Second Amended Complaint</li> <li>December 16, 2004 – Watson Pharmaceuticals, Inc.’s Reply Memorandum in Support of Motion to Dismiss the State of Nevada’s Second Amended Complaint (leave to file granted December 21, 2004)</li> <li>June 16, 2005 – Motion referred to Magistrate Judge Marianne B. Bowler.</li> <li>Motion hearing held on July 14, 2005</li> </ul> </li> </ul>
<b>California <i>ex rel.</i> Ven-A-Care of the Florida Keys, Inc. v. Abbott Labs., Inc. et al.</b>	03-CV-11226-PBS	Removed to C.D. Cal.	<ul style="list-style-type: none"> <li>August 25, 2005 – First Amended Complaint in Intervention for Money Damages and Civil Penalties for Violations of the California False Claims Act</li> <li>September 12, 2005 – <b>Relator Ven-A-Care’s Motion For Leave to File Under Seal Relator’s Notice of Election and Notice of Dismissal</b></li> </ul>

GOVERNMENT ENTITY CASES	MDL DOCKET NUMBER	ORIGINAL JURISDICTION	STATUS
<p><b>Illinois v. Abbott Laboratories, Inc., Case No. 05-C-4056;</b></p> <p><b>Kentucky v. Abbott Laboratories, Inc., Case No. 3:05-CV-48;</b></p> <p><b>Kentucky v. Warrick Pharmaceuticals Corp., Case No. 05-CV-49;</b></p> <p><b>Kentucky v. Alpharma Inc., Case No. 05-CV-47-KKC;</b></p> <p><b>New York v. Aventis, Case No. 05-CV-873;</b></p> <p><b>New York v. GlaxoSmithKline PLC, Case No. 05-CV-874;</b></p> <p><b>New York v. Pharmacia Corp., Case No. 05-CV-872;</b></p> <p><b>Minnesota v. Pharmacia Corp., Case No. 05-CV-1394;</b></p> <p><b>Florida v. Alpharma, Inc., Case No. 05-257</b></p>	n/a	<p>Removed to N.D. Ill.</p> <p>Removed to E.D. Ky.</p> <p>Removed to E.D. Ky.</p> <p>Removed to E.D. Ky.</p> <p>Removed to N.D.N.Y.</p> <p>Removed to N.D.N.Y.</p> <p>Removed to N.D.N.Y.</p> <p>Removed to D. Minn.</p> <p>Removed to N.D. FL</p>	<ul style="list-style-type: none"> <li>July 13, 2005 – Notices of Removal filed (based on <i>Grable &amp; Sons Metal Prods., Inc. v. Darue Eng'g &amp; Mfg.</i>, 125 S. Ct. 2363 (June 13, 2005))</li> <li>July 15, 2005 – Notice of Related Action filed with the Judicial Panel on Multidistrict Litigation <ul style="list-style-type: none"> <li>July 18, 2005 – Amended Notice of Related Action filed with the Judicial Panel on Multidistrict Litigation</li> </ul> </li> <li>August 9, 2005 – Conditional Transfer Order 25 Tag-Along Actions by the Judicial Panel on Multidistrict Litigation with Notice of Opposition Due On or Before August 24, 2005 <ul style="list-style-type: none"> <li>September 7, 2005 – <b>Motion to Vacate Conditional Transfer Order for Illinois v. Abbott Laboratories (05-4056), Kentucky v. Alpharma Inc. (05-47), Kentucky v. Abbott Laboratories (05-48), Kentucky v. Warrick Pharmaceuticals (05-49), and Wisconsin v. Abbott Laboratories (05-408)</b> <ul style="list-style-type: none"> <li>September 27, 2005 – Opposition to Motion to Vacate Conditional Transfer Order for Illinois v. Abbott Laboratories (05-4056), Kentucky v. Alpharma Inc. (05-47), Kentucky v. Abbott Laboratories (05-48), Kentucky v. Warrick Pharmaceuticals (05-49), and Wisconsin v. Abbott Laboratories (05-408)</li> </ul> </li> <li>September 7, 2005 – <b>Motion to Vacate Conditional Transfer Order for Minnesota v. Pharmacia Corp. (05-1394)</b> <ul style="list-style-type: none"> <li>September 27, 2005 – Opposition to Motion to Vacate Conditional Transfer Order for Minnesota v. Pharmacia Corp. (05-1394)</li> </ul> </li> <li>September 8, 2005 – <b>Motion to Vacate Conditional Transfer Order for New York v. Pharmacia Corp. (05-872), New York v. Aventis (05-873), and New York v. GlaxoSmithKline PLC (05-874)</b> <ul style="list-style-type: none"> <li>September 28, 2005 – Opposition to Motion to Vacate Conditional Transfer Order for New York v. Pharmacia Corp. (05-872), New York v. Aventis (05-873), and New York v. GlaxoSmithKline PLC (05-874)</li> </ul> </li> <li>Motion to Remand in Florida v. Alpharma, Inc. (05-257) filed but not briefed prior to transfer <ul style="list-style-type: none"> <li>September 14, 2005 – <b>Joint Motion for Consideration of Scheduling Order</b></li> </ul> </li> </ul> </li> </ul>

GOVERNMENT ENTITY CASES	MDL DOCKET NUMBER	ORIGINAL JURISDICTION	STATUS
County of Nassau v. Abbott Labs., Inc. et al.	n/a	E.D.N.Y.	<ul style="list-style-type: none"> <li>No pending motions</li> </ul>
County of Erie v. Abbott Labs., Inc. et al.	n/a	W.D.N.Y.	<ul style="list-style-type: none"> <li>Motion to Remand filed in W.D.N.Y. prior to transfer (not fully briefed due to stay order)</li> </ul>
<b>Consolidated County Case:</b> City of New York (S.D.N.Y.) County of Albany (N.D.N.Y.) County of Allegany (W.D.N.Y.) County of Broome (N.D.N.Y.) County of Cattaraugus (W.D.N.Y.) County of Cayuga (N.D.N.Y.) County of Chautauqua (W.D.N.Y.) County of Chenango (N.D.N.Y.) County of Fulton (N.D.N.Y.) County of Genesee (W.D.N.Y.) County of Greene (N.D.N.Y.) County of Herkimer (N.D.N.Y.) County of Jefferson (N.D.N.Y.) County of Madison (N.D.N.Y.) County of Monroe (W.D.N.Y.) County of Niagara (N.D.N.Y.) County of Oneida (N.D.N.Y.) County of Onondaga (N.D.N.Y.) County of Putnam (S.D.N.Y.) County of Rensselaer (N.D.N.Y.) County of Rockland (S.D.N.Y.) County of St. Lawrence (N.D.N.Y.) County of Saratoga (N.D.N.Y.) County of Steuben (W.D.N.Y.) County of Suffolk (E.D.N.Y.) County of Tompkins (N.D.N.Y.) County of Warren (N.D.N.Y.) County of Washington (N.D.N.Y.) County of Wayne (W.D.N.Y.) County of Westchester (S.D.N.Y.) County of Yates (W.D.N.Y.)	n/a	E.D.N.Y. N.D.N.Y. S.D.N.Y. W.D.N.Y.	<ul style="list-style-type: none"> <li>March 30, 2005 – <b>County of Suffolk’s Motion to Renew Its Second Motion to Compel the Production of Discovery From the Schering-Plough Corporation <i>sub judice</i></b> (Magistrate Judge Bowler)               <ul style="list-style-type: none"> <li>April 6, 2005 – Schering Plough’s Opposition to County of Suffolk’s Motion to Renew Its Second Motion to Compel the Production of Discovery</li> </ul> </li> <li>June 15, 2005 – Redacted Consolidated Complaint filed in the United States District Court for the District of Massachusetts               <ul style="list-style-type: none"> <li>June 15, 2005 – Plaintiffs’ Motion for Leave to File Consolidated Complaint Under Seal</li> <li>June 22, 2005 – Corrected Consolidated Complaint filed in the United States District Court for the District of Massachusetts</li> <li>June 23, 2005 – Motion for Leave to File Consolidated Complaint Under Seal Denied. Defendants seeking redactions ordered to file affidavits within ten days.</li> <li>July 8, 2005 – Order modifying June 23, 2005 Order and extending time to file affidavits.</li> <li>July 20, 2005 – <b>Defendants’ Motion to Compel Disclosure from Plaintiffs and for an Extension of Time to Comply with July 8, 2005 Order</b> <ul style="list-style-type: none"> <li>July 29, 2005 – Plaintiffs’ Opposition to Defendants’ Motion to Compel Disclosure and for Extension of Time to Comply with July 8, 2005 Order</li> <li>August 16, 2005 – Notice of Hearing on Motion to Compel Disclosure by Plaintiffs and for an Extension of Time to Comply with July 8, 2005 Order Set for September 19, 2005 before Magistrate Judge Marianne B. Bowler</li> <li>September 19, 2005 – Motion withdrawn by Defendants without prejudice</li> </ul> </li> </ul> </li> </ul>

**MDL 1456 STATUS CHART – PRIVATE CLASS CASES**

PRIVATE CLASS CASES	MDL DOCKET NO.	ORIGINAL JURISDICTION	STATUS
Master Consolidated Class Action	Master File 01-CV-12257-PBS	D. Mass. pursuant to JPML Order	<ul style="list-style-type: none"> <li>• May 3, 2004 – <b>Plaintiffs’ Motion to Compel The Production of Documents Created During the Relevant Time Period from Defendants Abbott Laboratories, AstraZeneca, Schering Plough, Sicom and Together Rx Defendants <i>sub judice</i></b> (Magistrate Judge Bowler) <ul style="list-style-type: none"> <li>○ May 17, 2004 – Certain Defendants’ Notice of Opposition to Plaintiffs’ Motion to Compel the Production of Certain Documents and Consent Motion for an Extension of Time</li> <li>○ May 26, 2004 – Notice of Withdrawal of Plaintiffs’ Motion to Compel the Production of Documents Created During the Relevant Time Period Directed at Defendant Schering–Plough (<i>Note: withdrawal applies only to Schering-Plough</i>)</li> <li>○ May 27, 2004 – Consent Motion for an Extension of Time to Oppose the Motion to Compel</li> <li>○ May 27, 2004 – Opposition of the Together Rx Defendants to Plaintiffs’ Motion to Compel the Production of Documents</li> <li>○ May 28, 2004 – Notice Of Withdrawal Of Plaintiffs’ Motion To Compel The Production Of Documents Created During The Relevant Time Period Directed at Defendant Abbott Laboratories (<i>Note: withdrawal applies only to Abbott Laboratories</i>)</li> <li>○ June 8, 2004 – Notice of Withdrawal of Plaintiffs’ Motion to Compel the Production of Documents Created During the Relevant Time Period Directed at Defendant AstraZeneca. (<i>Note: withdrawal applies only to AstraZeneca</i>)</li> <li>○ June 9, 2004 – Plaintiffs’ Reply Memorandum In Support of Motion To Compel The Production of Documents Created During The Relevant Time Period From The Together Rx Defendants</li> <li>○ June 22, 2004 – Order granting Plaintiffs’ Motion to Withdraw Motion to Compel Directed at Abbott Laboratories</li> <li>○ Awaiting scheduling of hearing or ruling by Court as to Together Rx Defendants.</li> </ul> </li> <li>• February 3, 2005 – <b>Plaintiffs’ Motion to Compel and for Finding that AstraZeneca’s Pricing, Marketing, and Sales of its Products are not Protected by the Attorney-Client Privilege <i>sub judice</i></b> (Magistrate Judge Bowler) <ul style="list-style-type: none"> <li>○ February 24, 2005 – AstraZeneca Pharmaceuticals LP’s Opposition to Plaintiffs’ Motion to Compel and for Finding that AstraZeneca’s</li> </ul> </li> </ul>

PRIVATE CLASS CASES	MDL DOCKET NO.	ORIGINAL JURISDICTION	STATUS
Master Consolidated Class Action (continued)			<p>Pricing, Marketing, and Sales of its Products are not Protected by the Attorney-Client Privilege, and Cross-Motion for a Protective Order Relating to the April 2, 2004 Amended Notice of Rule 30(b)(6) Deposition</p> <ul style="list-style-type: none"> <li>○ March 20, 2005 – Reply in Support of Plaintiffs’ Motion to Compel and For Finding That Documents and Testimony Related to AstraZeneca’s Pricing, Marketing and Sales of Its Products Are Not Protected by the Attorney-Client Privilege and Opposition to AstraZeneca’s Cross-Motion for a Protective Order</li> <li>○ May 31, 2005 – Affidavit of Stuart Fullerton in response to Court Order dated May 17, 2005</li> <li>○ August 31, 2005 – Supplement to Plaintiffs’ Motion to Compel and for Finding that Documents and Testimony Related to AstraZeneca’s Pricing, Marketing and Sales of Its Products Are Not Protected by the Attorney-Client Privilege Related to AstraZeneca’s Refusal to Disclose Non-Privileged Communications Related to Internal Investigations</li> <li>○ September 15, 2005 – Defendant AstraZeneca Pharmaceuticals LP’s Opposition to Plaintiffs’ “Supplement” to Their Motion to Compel and For Finding That Documents and Testimony Related to AstraZeneca’s Pricing, Marketing, and Sales of its Products are not Protected By the Attorney’ Client Privilege Related to AstraZeneca’s Refusal to Disclose Non-Privileged Communications Related to Internal Investigations</li> </ul> <ul style="list-style-type: none"> <li>• February 23, 2005 – <b>Third Party Schaller Anderson Inc.’s Objection and Motion to Quash Plaintiffs’ Subpoena</b></li> <li>• March 21, 2005 – <b>B. Braun Medical Inc.’s Motion to Dismiss the Second Amended Master Consolidated Class Action Complaint <i>sub judice</i></b> (Magistrate Judge Bowler) <ul style="list-style-type: none"> <li>○ April 4, 2005 – Class Plaintiffs’ Opposition to B. Braun Medical Inc.’s Motion to Dismiss the Second Amended Master Consolidated Class Action Complaint</li> <li>○ April 27, 2005 – B. Braun Medical Inc.’s Reply Memorandum in Support of Its Motion to Dismiss the Second Amended Master Consolidated Class Action Complaint</li> <li>○ June 7, 2005 – Motion referred to Magistrate Judge Marianne B. Bowler</li> </ul> </li> </ul>



PRIVATE CLASS CASES	MDL DOCKET NO.	ORIGINAL JURISDICTION	STATUS
<b>Master Consolidated Class Action</b> <b>(continued)</b>			<ul style="list-style-type: none"> <li>○ June 17, 2005 – Class Plaintiffs’ Notice of Supplemental Authority in Support of Their Opposition to B. Braun Medical Inc.’s Motion to Dismiss the Second Amended Master Consolidated Class Action Complaint</li> <li>○ June 28, 2005 – B. Braun Medical Inc.’s Response to Plaintiffs’ Notice of Supplemental Authority in Support of Their Opposition to B. Braun Medical Inc.’s Motion to Dismiss the Second Amended Master Consolidated Class Action Complaint</li> <li>○ Motion hearing held on July 14, 2005</li> <li>• May 23, 2005 – <b>B. Braun Medical Inc.’s Motion for a Protective Order Staying Discovery Pending Resolution of its Motion to Dismiss <i>sub judice</i></b> (Magistrate Judge Bowler) <ul style="list-style-type: none"> <li>○ June 6, 2005 – Plaintiffs’ Opposition to B. Braun Medical Inc.’s Motion for a Protective Order Staying Discovery Pending Resolution of its Motion to Dismiss</li> </ul> </li> <li>• June 14, 2005 – <b>Defendant Sicor Inc. and Sicor Pharmaceuticals, Inc.’s motion for Protective Order with Memorandum in Support <i>sub judice</i></b> (Magistrate Judge Bowler) <ul style="list-style-type: none"> <li>○ June 28, 2005 – Plaintiffs’ Response to Sicor’s Motion for Protective Order</li> <li>○ July 7, 2005 – <b>Motion for Leave to File Reply to Plaintiffs’ Response to Sicor’s Motion for Protective Order</b></li> </ul> </li> <li>• August 16, 2005 – <b>Plaintiffs’ Motion to Compel the Johnson &amp; Johnson Group to Produce Documents and for an Extension of Discovery <i>sub judice</i></b> <ul style="list-style-type: none"> <li>○ August 31, 2005 – Johnson &amp; Johnson and Ortho Biotech Products L.P.’s Opposition to Plaintiffs’ Motion to Compel the Johnson &amp; Johnson Group to Produce Documents and for an Extension of Discovery and Johnson &amp; Johnson and Ortho Biotech Products L.P.’s Cross Motion for Sanctions</li> <li>○ September 15, 2005 – Motion hearing reset for September 29, 2005 before Magistrate Judge Marianne B. Bowler</li> <li>○ September 23, 2005 – Assented To <b>Motion to Withdraw Without Prejudice Plaintiffs’ Motion to Compel the Johnson &amp; Johnson Group To Produce Documents and for an Extension of Discovery and Johnson &amp; Johnson and Ortho Biotech Products,</b></li> </ul> </li> </ul>

PRIVATE CLASS CASES	MDL DOCKET NO.	ORIGINAL JURISDICTION	STATUS
Master Consolidated Class Action (continued)			<p style="text-align: center;"><b>L.P. Cross-Motion For Sanctions <i>sub judice</i></b></p> <ul style="list-style-type: none"> <li>• August 26, 2005 – <b>Empire Blue Cross Blue Shield’s Motion to Quash Subpoena Seeking Deposition Testimony and For a Protective Order <i>sub judice</i></b> <ul style="list-style-type: none"> <li>○ September 9, 2005 – Defendants’ Memorandum in Opposition to Empire Blue Cross Blue Shield’s Motion to Quash Subpoena Seeking Deposition Testimony and For a Protective Order</li> <li>○ September 20, 2005 – Non Party Empire Blue Cross Blue Shield’s Assented to Motion for Leave to File Reply Memorandum of Law In Further Support of Motion to Quash Subpoena Seeking Deposition Testimony and for Protective Order</li> <li>○ September 20, 2005 – Non Party Empire Blue Cross Blue Shield’s Memorandum in Further Support of its Motion to Quash Subpoena Seeking Deposition Testimony and for a Protective Order</li> </ul> </li> <li>• August 30, 2005 – <b>Track 1 Defendants’ Petition for Review of Memorandum and Order Dated August 16, 2005 Regarding Class Certification (Filed with the Court of Appeals for the First Circuit)</b></li> <li>• September 8, 2005 – <b>Plaintiffs’ Motion to Extend Expert Witness Disclosures and Discovery <i>sub judice</i></b> <ul style="list-style-type: none"> <li>○ September 14, 2005 – Track One Defendants’ Response to Plaintiffs’ Motion to Extend Expert Witness Disclosures and Discovery</li> </ul> </li> <li>• September 21, 2005 – <b>Johnson &amp; Johnson Defendants’ Motion to Determine the Sufficiency of Plaintiffs’ Responses to (1) Requests for Admissions and Interrogatories Concerning Remicaid, and (2) Requests for Admissions and Interrogatories Concerning Procrit</b></li> <li>• September 27, 2005 – <b>Motion by Johnson &amp; Johnson, Centocor Inc., Kenneth Wegner, Colin Konschak, Grace Leone, Trina Gillies, Jim Bivona and Brett Beiter to Quash Subpoenas and for a Protective Order Prohibiting Plaintiffs from taking Discovery of Former Centocor Employees Subpoenaed After the Discovery Date Cutoff</b></li> <li>• September 28, 2005 – <b>Motion by Plaintiffs to Modify the Track Two Discovery Schedule</b></li> </ul>

PRIVATE CLASS CASES	MDL DOCKET NO.	ORIGINAL JURISDICTION	STATUS
<p><b>International Union of Operating Engineers, Local No. 68 Welfare Fund v. AstraZeneca PLC et al.</b></p>	04-11503-PBS	Removed to D.N.J.	<ul style="list-style-type: none"> <li>• <b>Motion to Remand</b> filed in District of New Jersey prior to transfer; briefed while pending in District of New Jersey               <ul style="list-style-type: none"> <li>○ April 22, 2005 – Supplemental Brief in Support of Motion for Remand by Plaintiff International Union of Operating Engineers Local No. 68 Welfare Fund</li> <li>○ May 3, 2005 – Rejection of Supplemental Brief in Support of Motion for Remand by Plaintiff International Union of Operating Engineers Local No. 68 Welfare Fund</li> <li>○ May 6, 2005 – Supplemental Brief in Opposition to Motion for Remand by Plaintiff International Union of Operating Engineers Local No. 68 Welfare Fund due to be filed</li> <li>○ June 1, 2005 – Supplemental Brief in Support of Motion for Remand by Plaintiff International Union of Operating Engineers Local No. 68 Welfare Fund re-filed</li> <li>○ July 20, 2005 – Notice of Supplemental Authority</li> <li>○ August 19, 2005 – Memorandum and Order: AstraZeneca Shall Submit an Affidavit Explaining Factual Basis for Statement in Notice of Removal within 30 days; and All Discovery on Fraudulent Joinder Claims Shall be Completed within 60 days</li> <li>○ September 19, 2005 – Response of AstraZeneca Pharmaceuticals LP (Attaching Declaration of Scott Wise with Exhibits) Filed in Response to Court Order Dated August 19, 2005</li> <li>○ September 29, 2005 – <b>Motion by Plaintiff, International Union of Operating Engineers, Local No. 68 Welfare Fund for Remand Based Upon Declarations of Defense Counsel or in the Alternative, Motion to Reconsider Memorandum and Order of August 19, 2005 Respecting Allowing Discovery on Issue of Alleged Fraudulent Joinder</b></li> </ul> </li> </ul>